

REMARKS

Claims 1-3, 5-7, 9-13, 15-17 and 19 are pending in this application. Claims 7, 15, 16 and 19 have been objected to only as being dependent upon rejected base claims, and claims 1-3, 5, 6, 9-13 and 17 have been rejected. Claims 1, 5-7, 10, 12, 13, 17 and 19 have been amended. Claims 1 and 17 are independent.

The Examiner is thanked for the indicated allowability of claims 7, 15, 16 and 19. Those claims have not been placed into independent form because, as explained below, the claims from which they depend themselves are believed to be allowable.

The Examiner also is thanked for the telephonic interview conducted on March 8, 2007. This Amendment has been prepared in accordance with the discussion during that interview. In particular, the independent claims have been revised to clarify that the lid has the penetrating hole and notch, and the container body has the caulking parts (various dependent claims were then revised to conform to the amended independent claims). The undersigned understood the Examiner to say that the claims, if revised in this manner, would be allowable over the cited art.

The Rejection Under 35 U.S.C. § 103(a)

Claims 1-3, 5-7, 9-13 and 17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent appln. publn. no. 2002/0109760 to Miyazawa et al. in view of Japanese utility model publn. no. 5-62448 and further in view of Japanese laid-open patent appln. no. 10-235889 to Masuda et al. Applicants respectfully traverse this rejection and submit the following arguments in support thereof.

Applicants' invention, as described in claim 1, relates to a liquid cartridge for supplying liquid by being mounted on a liquid ejecting apparatus. Among the features of that cartridge are penetrating parts formed at the container lid, the penetrating parts being formed at engaging parts, which each have extending parts that extend along a second side face adjacent to the first side face of the container body. Caulking parts are formed at the container body and are respectively inserted into the penetrating parts in order for tip parts thereof to be caulked. The lid is provided with the engaging parts at plural second side faces adjacent to the first side face. One penetrating part is a **penetrating hole**, while another penetrating part at a second one of the second side faces has a **notch**.

Claim 17 is directed to a method for manufacturing a liquid cartridge. This is done in part by providing the liquid cartridge, which includes penetrating parts formed at the lid, engaging parts, which have extending parts that extend along a second side face adjacent to the first side face and penetrating parts, and caulking parts formed at the container body and inserted into the penetrating parts, in order for tip parts of the caulking parts to be caulked. One penetrating part has a **penetrating hole** into which a caulking part is inserted, and another penetrating part has a **notch** into which a caulking part is inserted. The method also involves determining a position of the lid in regard to the first side face of the container body by fitting the engaging part, which has the penetrating hole at the first one of the second side faces, with the associated caulking part, and fitting another caulking part, which corresponds to the notch at the second of the second side faces, into the engaging part having the notch by turning the lid toward the container body, taking a fitted part between the penetrating hole and caulking part as a turning center, and deforming the tip part of at least one caulking part with heat to perform caulking.

Thus, it is helpful to keep in mind that, in Applicants' invention, one penetrating part has the shape of a penetrating hole, and another penetrating part has the shape of a notch. These aspects of the invention will be particularly clear in view of the disclosure at Figs. 1-3 and 9-12, and paragraphs [0087] -[0093], by way of non-limiting example. Paragraph [0090] notes that the engaging part 50a has a penetrating part 53a provided at extending part 52a which is formed with a penetrating hole, and paragraph [0093] states that the "penetrating parts 53b, [is] cut in from the end parts 51b", which as shown in Fig. 10 clearly is a notch.

The Office Action does not accurately characterize Miyazawa¹; the Office Action is in error insofar as the Office Action contends that in Figs. 29-30 Miyazawa teaches at element 162 (container body) a penetrating part that is a penetrating hole for receiving a caulking part.

Neither Miyazawa's container body 162 nor cover member 163 has a penetrating hole or notch as claimed. As shown clearly in Figs. 29 and 30, cover member 163 merely has several flat tabs (unnumbered) that fit into recesses in the container body (one such recess can be seen in Fig. 26A just to the right of identifier numeral 165). None of those tabs has a penetrating hole or a notch as in the claimed invention.

In this regard, it should be noted that the Office Action **admits** Miyazawa does not disclose a caulking part formed at the container body inserted into the penetrating part for a tip thereof to be caulked with heat (Office Action, p. 4). Since the Office Action recognizes there is no caulking part, the Office Action implicitly recognizes that there is neither a penetrating hole nor notch for receiving such a caulking part.

¹ Miyazawa is commonly assigned along with the present application. To the extent this response discusses Miyazawa, such discussion involves the general teachings of that reference, and should not necessarily be construed to limit the scope of the claims of Miyazawa or its counterparts. If Miyazawa is characterized as teaching a particular feature or mode of operation, the claims of that reference and its counterparts should not necessarily be construed to require that feature or mode of operation.

Miyazawa therefore does not teach or suggest the penetrating hole or notch as claimed.

Although the Office Action looks to JP 5-62448 to remedy Miyazawa's defects, JP 5-62448U does not remedy those deficiencies.²

First, JP 5-62448U is not properly combined with Miyazawa because JP 5-62448U is not from the field of invention. JP 5-62448U describes a case for containing wiring of various electronic controls of an automobile (translation at paragraph [0001]), and as shown in Fig. 2 and described in paragraph [0014] is not sealed due to the presence of a bore 36. It is respectfully submitted that because JP 5-62448U is not concerned with containing a liquid, as is the claimed invention, this reference is not properly combined with Miyazawa.

Even if JP 5-62448U is combined with Miyazawa, it remains that JP 5-62448U does not teach the presence of a penetrating hole and notch as claimed; the Office Action merely contends this reference teaches a caulking part and penetrating part. So JP 5-62448U suffers from the same deficiencies as Miyazawa.

The Office Action also looks to Masuda to remedy Miyazawa's defects. However, Masuda does not remedy those deficiencies.

Masuda only is said to suggest a caulking part inserted into a penetrating part (pin hole 35). Even assuming arguendo that is correct, at best Masuda teaches the use of a caulking part received in a hole (Applicants still maintain as they did in the prior Response filed on November 16, 2006, that it is not proper to equate Masuda's cover member 30 to the claimed lid, but rather, to

² JP 5-62448U is a Japanese-language reference, and the Office Action did not provide a translation thereof. In the interests of clarity, Applicants are submitting in the accompanying Information Disclosure Statement a machine English translation of JP 5-62448U obtained from the Japanese Patent Office.

tank lid 72). Masuda still fails to suggest the aspects of the claimed invention involving the notch, much less that the hole and notch are provided at different sides of the liquid container.

Since neither Miyazawa, JP 5-62448U nor Masuda suggests the aspects of the claimed invention involving a liquid cartridge (or method) having both a penetrating hole and a notch provided on different sides of a liquid container, the claimed invention patentably distinguishes over the combination of these references.

Claims 2, 3, 5-7 and 9-13 all ultimately depend from claim 1, and so incorporate the features of claim 1 that patentably distinguish over the cited art. These claims are therefore also patentable over that art at least for the same reasons as claim 1.

For all the foregoing reasons, favorable reconsideration and withdrawal of this rejection are respectfully requested.

CONCLUSION

Applicants respectfully submit that all outstanding rejections have been addressed and are now overcome. Applicants further submit that all claims pending in this application are patentable over the prior art. Favorable reconsideration and withdrawal of those rejections and objections is respectfully requested.

Other than the fee for the accompanying Information Disclosure Statement authorized therein, no fees are believed to be due in connection with the filing of this paper. Nevertheless, the Commissioner is authorized to charge any fees now or hereafter due in this application to Deposit Account No. 19-4709.

In the event that there are any questions, or should additional information be required, please contact Applicants' attorney at the number listed below.

Respectfully submitted,

/David L. Schaeffer/

David L. Schaeffer
Registration No. 32,716
Attorney for Applicants
STROOCK & STROOCK & LAVAN LLP
180 Maiden Lane
New York, New York 10038-4982
(212) 806-6677